Response

to the Green Paper:

Raising Expectations:
staying in education and training post-16

June 2007
About the Learning and Skills Council

The LSC exists to make England better skilled and more competitive. We have a single goal: to improve the skills of England's young people and adults to make sure we have a workforce of world-class standard.

We are responsible for planning and funding high quality education and training for everyone other than in universities. Our vision is that by 2010, young people and adults in England have knowledge and skills matching the best in the world and are part of a truly competitive workforce.
LSC RESPONSE TO THE GREEN PAPER: RAISING EXPECTATIONS

Introduction and summary

This response was developed in consultation with the nine regions of the Learning and Skills Council and the Young People’s Learning Committee. The response was finalised by the national Council. We look forward to working with the Department for Education and Skills in taking these proposals forward.

In his evidence to the Education and Skills Committee on 18 April, the Secretary of State made it clear that he considered that the age of participation would be raised to 18, and that the main focus of this consultation was on how that would be achieved; this response has been developed with that principle in mind.

Ensuring that a high-quality and relevant learning offer is in place for all young people to the age of 18 will be a huge challenge; detailed comments are provided later in this response, but a number of overarching themes have emerged from our consideration of the proposals:

- the Learning and Skills Council is uniquely placed to ensure that a learning offer is in place up to age 18 which: spans the whole range from full-time general education to part-time training for those in employment; is delivered by schools, colleges, training providers and the voluntary sector; and includes provision from Entry Level to Level 3 as well as non-formal awards

- in making participation by young people compulsory to age 18, we must accept an obligation on ourselves to ensure that the learning offer is of high quality and relevant to the needs of all young people; this will depend on the development of the 14 Diploma lines and of the Foundation Learning Tier

- our ambition to ensure that all young people enjoy a positive experience in learning from ages 16 to 18 depends crucially on their experience in learning at Key Stage 3 and Key Stage 4; the further education sector should no longer be the “second chance” for young people

- a high-quality learning offer for all young people will need to be underpinned by high-quality and independent information, advice and guidance, and by a comprehensive range of support including mentoring, personal support and financial support.
Chapter 2: The benefits of requiring participation

Q1 Do you agree that there is a case for introducing compulsory participation to age 18?

We believe that an overwhelming case has been made for compulsory participation until age 18, where participation is as defined later in the Green Paper.

There is a wealth of evidence on the benefits to the individual, and to society, of raising participation and attainment. We noted in: Raising our game: our annual statement of priorities, published in October 2006, that:

“More 16–18 year olds are participating and succeeding in learning than ever before. We want to improve on this, to achieve as close to 100 per cent participation as we can.”

We are also keenly aware of the circumstances in which young people are most at risk of disengaging, ending up not in education, employment or training (NEET). Our key aims since the introduction of Public Service Agreement (PSA) targets in 2004 to raise the attainment of Level 2 by age 19 and to reduce the proportion of young people NEET have been to make remaining in learning or training until 18 the option of first choice for all young people. To that end, we have been seeking:

• to raise awareness of young people and their parents/carers of the personal and wider benefits of learning
• to widen the range of provision to ensure that there are courses available which meet the reasonable needs of all young people
• to encourage collaborative delivery to ensure that delivery best matches an individual’s learning style
• to raise the quality of provision in all settings.

Increases in participation and in attainment point to the success of those strategies and we would clearly wish that all young people would be excited at the prospect of being able to remain in learning.

Nevertheless, we recognise that there may be some young people who will be reluctant to stay in learning, some parents who will not encourage their children to stay in learning, and some employers who are not convinced of the value in young people continuing in training.

We note, however, that only one per cent of the 16-18 cohort are recorded as being NEET at ages 16, 17 and 18. This means that 99% of the cohort has been prepared to engage with the system, but have dropped out for a variety of reasons, such as financial support, relevance of the offer and quality of provision.

When, therefore, we are confident that we have a high-quality, relevant, offer of provision available, we agree that, only in the exceptional circumstances we describe later, all young people should remain in learning until age 18.

We would stress, however, that an offer which meets the learning and support needs of those most at risk of disengagement is likely to incur higher costs than for the majority of learners.
Chapter 3: A new requirement to participate

Do you agree that participation should include participation in school, college, work-based learning and accredited training provided by an employer?

Participation should certainly include those settings, but there are other settings which should also be included:

- higher education institutions (such as Thames Valley University, which merged with Reading College and School of Art and Design, and has significant numbers of 16-18 year olds pursuing further education courses)
- specialist providers for learners with learning difficulties and/or disabilities
- the Youth Justice System
- the voluntary and community sector.

We recognise that some young people may be self-employed; those young people should also be required to participate until age 18.

We would also wish to consider what would count as participation for 16-18 year olds who, for a variety of reasons, are educated at home, being taught by their parents or on-line.

We agree with the points made by Ken Boston, in his speech on 21 March 2007 launching the QCA Annual Review 2006, that we should work to find a way for training provided by employers to be recognised within the Qualifications and Credit Framework (QCF). For young people up to the age of 18, however, we consider that this should only be in the context of an Apprenticeship framework.

Finally, we would wish consideration to be given to participation in the voluntary sector, and to young people on a structured volunteering activity.

Do you agree that the requirement should include a requirement to work towards accredited qualifications?

We would expect most young people aged 16-18 to be pursuing one of three main learning routes: GCSE/GCE; Apprenticeship; or Diploma, all of which would lead to accreditation. In particular, we would expect young people to continue to study functional skills in English and mathematics until they reach Level 2.

However, there will some young people for whom, at some stage between the ages of 16-18, their particular learning needs will not lead to an accredited qualification – examples might include: young people with severe learning difficulties and/or disabilities; those recovering from trauma; young people recovering from substance abuse; and young people undergoing treatment for mental or medical health difficulties. For those young people, we would expect an Individual Learning Plan to be in place, setting out their agreed learning aims, which would sit within one of the validated pathways of the developing Foundation Learning Tier.

If it was concluded that structured volunteering did count as participation, that might lead to an accredited qualification, but we would wish to consider further whether that should be a requirement.
Finally, there is likely to be a small minority of young people who participate part-time whilst in employment, but not within an Apprenticeship framework; we would, however, expect those young people to be working towards accredited qualifications.

4. Do you agree that for those who are not in employment for a significant part of the week, participation should be in full time education?

The Green Paper refers, in paragraph 3.9, to participation in full-time learning, and we would prefer this term.

We would see this as the normal expectation, with consideration being given to the position of young people in structured volunteering and of young people for whom full-time education was not appropriate at a particular time. Again, for that small minority of young people, we would expect an agreed Individual Learning Plan to be in place.

However, it should also be borne in mind that some young people will move between learning, training and employment between the ages of 16 and 18, and that the hours they spend in part-time employment may change during the course of a year. This could be a particular issue in areas with significant seasonal employment.

Our primary concern is that young people should have a continuous engagement with the learning and training system until they are 18. For those in a school sixth form or studying full-time in a college, it is accepted that this includes a six-week break in the Summer. We believe, therefore, that we should investigate a formulation which defines full time learning in terms of minimum hours per year and minimum hours per “term”.

5. Should full time education be defined for this purpose as at least 16 hours of guided learning per week?

We have concerns about too precise a definition being applied, particularly as strong enforcement measures are proposed. It may not be possible to put together a programme of learning for each young person which is at least 16 hours, and requiring young people to attend additional tuition merely to “make up their hours” may result in disaffection. As in question 4, we believe a more sophisticated formulation should be investigated.

There are a number of definitions already in use of what constitutes “full-time” learning post-16. In colleges, full-time is described as at least 450 guided learning hours per year; the minimum attendance requirement for receipt of Education Maintenance Allowance (EMA) is 12 hours of guided learning per week; and the current definition of full-time learning for payment of Child Benefit to a household with a young person aged over 16 is also 12 hours, which is the same requirement as for receipt of Tax Credits.

6. Do you agree that a young person who is employed could participate part time?

We believe that a young person aged 16-18 who is employed should participate part-time in learning. It will be essential that both the young person and the employer should recognise clearly how participation in learning will improve performance in work. However, we should be clear that such participation need not be related directly to the employment.
We do not accept that there are any jobs which are unskilled, and consider that we need to recognise, and value, the achievements of those young people who are in jobs considered to be relatively “low-skilled”. It is by recognising and valuing their achievements that we can encourage those young people to continue and progress in learning.

7 **Is a minimum of 280 hours of guided learning per year appropriate for a young person who is employed?**

280 hours is just under 50 per cent of the proposed full-time learning of 16 hours a week. This may be difficult for all young people to undertake, and it may also be difficult to guarantee relevant learning being available in all areas of the country. For example, to undertake seven guided learning hours a week might involve more than one day of release from work, which might not be manageable by the employer.

Once again, we are concerned to see young people in continuous engagement with the learning and training system, and would be concerned if a young person could complete 280 in, say, a 14-week block of learning, with no requirement for further learning during the rest of the year.

There will be, of course, alternative ways in which learning can take place, including on-the-job training and evening classes, but, again, an aspiration of 280 hours for most, underpinned by an Individual Learning Plan for all, would seem to be the way forward.

8 **The central proposition outlined in 3.2 – 3.10 would require a young person to participate until their 18th birthday. An alternative described in para 3.11 would require a young person to participate until either their 18th birthday or they achieve qualifications at level 2, whichever is the earlier. Which version of the policy do you prefer?**

Requiring young people to remain in learning until their 18th birthday is, as the Green Paper states, simple and easy to understand. However, this would mean that a young person whose birthday was in early September would, technically, be in breach of the law if they did not continue in learning – where it may not be possible to find suitable learning opportunities.

The alternative, of being required to participate until achieving Level 2, we would not support. As set out in paragraph 3.11, this would be less clear to young people, more difficult to administer and might be seen as a punishment by those who had not achieved Level 2 and were unlikely so to do. In addition, it would be difficult to know when the young person actually “achieved” Level 2, as this could be at any time in the year, but would not be immediately following assessment, a situation which would be more complex under a credit-based qualifications system – for example, this might mean that a young person was required to engage on further learning whilst awaiting results. Finally, for this group of young people, if they achieve Level 2 before 18, we would wish them to progress to Level 3.

We would wish further consideration of the proposal that young people would be allowed to leave learning on achieving Level 3, regardless of age. Practically, this may be difficult for the same reason as for Level 2, as achievement might be some time after assessment, but also, although this would apply to very small numbers, some of those young people may be only 16, and may still benefit from structured learning and support. We would, however, recognise that a young person who
achieves Level 3 at age 17 might benefit from a “gap” year before progressing to higher education.

A further option which might be considered is that a young person could leave learning at the end of the term before that in which they reach the age of 18. This would mean, for example, that a person whose 18th birthday was in June could leave at Easter.

We believe it is especially important to support learners to achieve their qualifications or learning aims and that the flexibility of the current financial support arrangements allows the greatest potential for this. Financial support is not currently cut off either at a particular birthday or on achievement of qualifications at a particular level. EMA is normally payable to the end of the academic year in which a young person reaches 19. This is consistent with the rules for receipt of Child Benefit and Tax Credits, for a household with a young person in full time learning. Equitable arrangements are in place for those young people following a course of learning that is not confined to the traditional academic year.

Chapter 4: A suitable route for every young person

9 Do you agree that, taken together, the routes outlined in this chapter mean that there will be an appropriate and engaging option for all 16 and 17 year olds by 2013?

As the Foundation Learning Tier is still being developed, we are not yet in a position to be confident that the routes outlined in Chapter 4 will satisfy the needs of all young people, and in particular for young people with severe learning difficulties and/or disabilities. There are likely to be young people for whom it is appropriate that they step aside for a short time from the main learning pathways set out in this chapter, and pursue an alternative, agreed and planned, route.

The history of qualification reform in England has been one of steady erosion of the practical element of qualifications. It will require constant vigilance to ensure that this is not repeated for the pathways in the Foundation Learning Tier, whilst nonetheless ensuring that those pathways remain relevant to the needs of young people and employers. The same vigilance will be necessary in respect of Diplomas, both in their initial development, and in the future.

We welcome the recognition by Government that, whilst radical reform is necessary for the vocational route 14-19, changes are also needed to general qualifications, with functional skills in English and mathematics, and an Extended Project for those pursuing GCE Advanced level courses.

The combined result of these various initiatives should be the establishment of a set of learning pathways which are more coherent and understandable to young people, their parents and carers, employers and higher education. However, those pathways will, in themselves, comprise a variety of combinations of units from the proposed QCF, and ensuring a young person makes choices which are relevant to their aspirations, realistic to their abilities, and open up opportunities rather than close down future options will depend crucially on the quality, quantity and independence of Information, Advice and Guidance.

Whilst we may feel confident that there will be appropriate and engaging options available, we should be sensitive to issues of access. For example, some young
people may not feel confident about pursuing a programme delivered on multiple sites, and some young females may feel unable to participate in a mixed-sex environment. Whilst we recognise such issues as challenges to enable participation, we do not accept them as reasons for non-participation.

10 Should there be requirements for young people who are training to do more than just an accredited occupational qualification? (for example, should they be expected to do functional English or maths and/or wider technical education?)

It would seem reasonable to expect that a young person who had not achieved the functional skills qualifications in English, Mathematics and ICT should continue to pursue those qualifications, regardless of the type of learning they undertook.

Chapter 5: Enabling all young people to participate

11 Do you agree financial support should still be provided to young people from low income households, if participation is compulsory?

Yes. Studies in recent years have shown that participation rates for young people from professional backgrounds was above 80%, while for children whose parents were in routine occupations the participation rate post-16 has been less than 60%. While we know there are some attitudinal barriers to participation among some young people from low income households, there is no doubt that worries about money do affect young people’s choices post-16. These worries will not go away just because participation is compulsory, and there could be presentational difficulties if Government is seen as forcing expense upon young learners and their families without giving any assistance.

EMA was introduced to remove the financial barrier to participation in learning and has had a significant impact. Statistics for participation in 2005/06 showed an increase of 2.8 percentage points by 17 year olds, building on the increase of 1.8 percentage points seen in 16 year old participation during 2004/05. These were the largest annual increases in participation since the introduction of GCSEs almost two decades ago.

We anticipate the argument that, as EMA is an incentive payment, it may not be necessary to continue the programme following the introduction of compulsory participation post-16. However, as well as covering the costs of travel, books and equipment, EMA also brings wider benefits. For young people who would have participated anyway, EMA has been found to increase commitment and reduce students’ reliance on part-time work, which can be damaging to their studies. Anecdotal evidence also supports wider benefits with teachers and lecturers reporting positive impacts on behaviour as well as attendance. And we believe the bonus regime could be modified to enhance its impact on attainment.

The Care to Learn programme supports the cost of Ofsted-registered childcare for young parents under 20. It is important for this support to continue and we acknowledge that more needs to be done to ensure teenage parents have real opportunities to participate.

12 What would be the right financial support arrangements for young people required to participate to age 18?

Presently there are four tiers of financial support:
• Benefits such as Tax Credits and Child Benefit are paid to the household of the young person in learning;
• Money from EMA is paid directly to the young person, so long as the young person and the learning provision meets the criteria of the EMA programme;
• Money from Care to Learn or the Residential Support Scheme is paid directly to a third party on behalf of the young person, so long as that young person meets the criteria of the programme;
• A small pocket of discretionary hardship funding exists to provide support to special cases. This may be payable to the young person or a third party, at the discretion of the administering body (college or Local Education Authority).

We believe this is an effective model and that each strand is necessary to ensure support is targeted where it is most needed. Research has shown that a wholly discretionary model of financial support is confusing and complicated to those accessing it, but that some flexibility is needed to deal with particular instances of hardship.

EMA allows some young people to receive payment directly. This links with the citizenship debate in making young people aware of their personal responsibility in committing themselves to learning and development, and having a bank account and learning to manage their finances. There is a further argument that all young people in post-16 education or training should receive some form of payment directly, recognising that by this age they are individuals in their own right.

13 Should we consider other incentives, such as withholding driving licences from 17 year olds who are not participating in education or training?

There must be a risk that withholding benefits or privileges from young people who are reluctant to participate in learning will result in them becoming even more disaffected and disengaged. We would prefer to consider how young people can be rewarded for participation, for example, rather than withholding driving licences, providing subsidised driving lessons.

14 Would the proposals outlined here about support and guidance be enough to ensure that all young people are able to participate, regardless of their personal circumstances?

In March 2007, the “Make Space Youth Review” published a short document outlining its emerging thinking on what could and should be done to improve the offer to young people. That document outlined a range of interesting proposals to support young people and families, including, for example, establishing “hubs” offering a range of support services, staffed by qualified youth workers.

Chapter 6: Employers playing their part

15 Would the proposals outlined in this chapter provide employers with the right framework to help make sure all 16 and 17 year olds are participating in valuable learning, including those who want to learn as they work?

A range of options are identified in this Chapter, which we would wish to pursue, but the most important point is made in paragraph 6.14, that we should be wary of
placing requirements on employers which might result in unintended consequences, such as a reduction in work opportunities for young people.

We must acknowledge that, for some employers, releasing young people for, say, one day a week, may be difficult, particularly where there are very few employees or where the work has a significant seasonal aspect, such as in agriculture or tourism. It would be helpful to identify examples of how employers have successfully addressed these issues.

16 Given the benefits of a better skilled workforce, what responsibilities should employers have to encourage young people to participate in education and training?

It is difficult to imagine any job which a young person might take up which did not involve some element of training, although in many cases that training might be unstructured, unrecorded and unrecognised. It might be helpful to develop case studies in various employment sectors of employers who had developed internal, structured training, and in particular where that had led to accredited learning.

It would also be helpful if high-quality information leaflets could be developed, primarily for young people, giving examples of the opportunities that exist for a first job, including what the work involves and the sort of entry requirements for those jobs. It would then also be possible to demonstrate potential career pathways from that first job, together with examples of how, and what, additional learning could help in career progression.

Chapter 7: Making sure young people participate

17 Do you agree that there should be a system of enforcement attached to any new requirement to participate, used only as a last resort?

We agree that, if we are serious that participation should be compulsory, that should be underpinned by a clear and strong set of enforcement measures.

The current arrangements for EMA, Care to Learn and the Residential Support Scheme contain an element of enforcement in that payment is made only when the young person satisfies the attendance requirements of the programme. EMA bonus payments are made only when agreed learning goals have been achieved.

18 Is it right that the primary responsibility for attending at age 16 and 17 should rest with young people themselves?

For most 16 and 17 year olds, the primary responsibility should lie with the young person; however, for some young people with learning difficulties and/or disabilities, this responsibility may lie better with their parents/carers.

We think, however, there is still much work to be undertaken on this aspect of the proposals. In particular, we would wish to consider the proposals against the arrangements which apply pre-16, such as an admissions code, and an appeals mechanism against non-admission or exclusion.

We have recently agreed with the Department for Education and Skills (DfES) that we will expect colleges and independent training providers to inform Connexions within five working days of a young person leaving learning, and that DfES will have
the same expectation of schools and academies. However, it will be necessary to clarify responsibility for those young people whose attendance record is poor, or who truant; for those young people under 16, this is currently part of the role of the Education Welfare Service.

It would also be necessary to clarify responsibility for ensuring that the requirement to participate was satisfied in respect of home educated young people aged 16-18; we would strongly recommend that the Education Welfare Service be reformed, rather than establishing new systems running alongside the existing systems.

19 Do you agree that if a parent of a young person is helping them to break the law, it should be possible to hold them accountable as well?

Yes. Again, it will be worth learning lessons from experience with young people pre-16, where action has been taken against parents, including imprisonment, but only where the parent could reasonably have been expected to ensure attendance. As the young person gets older, it may be harder for a parent to ensure their attendance. There is also, however, a risk that some parents might encourage or demand that young people leave home, in order to avoid prosecution.

It will also be necessary to consider the position of young people who are not living with a parent or parents. The Green Paper: Care Matters stressed the role of the corporate parent and of the Virtual Headteacher as the default where a young person did not have an active parent in their life. We suggested in our response to that Green Paper that similar arrangements should apply to young people involved with the criminal justice system, whether in or leaving custody, or in the community.

20 Is the process outlined in this chapter the right way to try to re-engage young people and enforce the requirement?

Yes. It is particularly helpful to have mention of the part that the Voluntary and Community Sector can play, both in providing a way back into learning and in providing a structured alternative to mainstream education and training for young people who are struggling in that system.

21 On breach of an attendance order, should criminal sanctions be pursued, or civil/administrative ones?

As described in this Chapter, the attendance order places a requirement on a young person to attend a particular place and a particular time; there is no description, however, of a reciprocal requirement on a school, college or other provider to accept the young person.

The Green Paper rightly emphasises that a wide range of support measures will be put in place in order to avoid the need for enforcement, and that enforcement will be the last resort.

We recognise the tension between wishing to avoid enforcement measures which could lead a young person into the criminal justice system whilst sending out a very strong signal that young people must participate. We agree with the measures proposed, but would stress that, to some extent, the issuing of an Attendance Order to a young person would indicate a failure of the support system.